

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF TEXAS**

In re: SMITH, HARVEY J.  
SMITH, JOHNNA M.

§ Case No. 08-40436

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Debtors

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**TRUSTEE'S FINAL REPORT (TFR)**

The undersigned trustee hereby makes this Final Report and states as follows:

1. The debtor filed a petition under Chapter 7 of the United States Bankruptcy Code on February 27, 2008. The undersigned trustee was appointed on February 27, 2008.
2. The trustee faithfully and properly fulfilled the duties enumerated in 11 U.S.C. §704.
3. All scheduled and known assets of the estate have been reduced to cash, released to the debtor as exempt property pursuant to 11 U.S.C. § 522, or have been or will be abandoned pursuant to 11 U.S.C. § 554. An individual estate property record and report showing the disposition of all property of the estate is attached as **Exhibit A**.

4. The trustee realized the gross receipts of \$ 5,901.12

Funds were disbursed in the following amounts:

Administrative expenses	<u>0.00</u>
Payments to creditors	<u>0.00</u>
Non-estate funds paid to 3rd Parties	<u>0.00</u>
Exemptions paid to the debtor	<u>0.00</u>
Leaving a balance on hand of	\$ <u>5,901.12</u>

The remaining funds are available for distribution.

5. Attached as **Exhibit B** is a cash receipts and disbursements record for each estate bank account.

6. The deadline for filing claims in this case was 06/30/2008. All claims of each class which will receive a distribution have been examined and any objections to the allowance of claims have been resolved. If applicable, a claims analysis, explaining why payment on any claim is not being made, is attached as **Exhibit C**.

7. The Trustee's proposed distribution is attached as **Exhibit D**.

8. Pursuant to 11 U.S.C. § 326(a), the maximum compensation allowable to the trustee is \$1,340.11. To the extent that additional interest is earned before case closing, the maximum compensation may increase.

The trustee has received \$0.00 as interim compensation and now requests the sum of \$1,340.11, for a total compensation of \$1,340.11. In addition, the trustee received reimbursement for reasonable and necessary expenses in the amount of \$0.00 and now requests reimbursement for expenses of \$367.10, for total expenses of \$367.10.

Pursuant to Fed R Bank P 5009, I hereby certify, under penalty of perjury, that the foregoing report is true and correct.

Date: 04/29/2009 By: /s/Mark A. Weisbart  
Trustee

**STATEMENT:** This Uniform Form is associated with an open bankruptcy case, therefore, Paperwork Reduction Act exemption 5 C.F.R. § 1320.4(a)(2) applies.

# Form 1

## Individual Estate Property Record and Report

### Asset Cases

Case Number: 08-40436 BTR

Trustee: (631710) Mark A. Weisbart

Case Name: SMITH, HARVEY J.  
SMITH, JOHNNA M.

Filed (f) or Converted (c): 02/27/08 (f)

§341(a) Meeting Date: 03/28/08

Period Ending: 04/29/09

Claims Bar Date: 06/30/08

1		2	3	4	5	6
Asset Description (Scheduled And Unscheduled (u) Property)		Petition/ Unscheduled Values	Estimated Net Value (Value Determined By Trustee, Less Liens, Exemptions, and Other Costs)	Property <u>Abandoned</u> OA=\$554(a) DA=\$554(c)	Sale/Funds Received by the Estate	Asset Fully Administered (FA)/ Gross Value of Remaining Assets
Ref. #						
1	4270 FM 902 Gainesville - Homestead	110,000.00	0.00	DA	0.00	FA
2	Cash and Bank Accounts	110.00	110.00	DA	0.00	FA
3	Household Goods	2,550.00	0.00	DA	0.00	FA
4	Books, etc.	500.00	0.00	DA	0.00	FA
5	Clothing and Jewelry	950.00	0.00	DA	0.00	FA
6	Sporting equipment	200.00	0.00	DA	0.00	FA
7	1999 Ford F 350	6,000.00	0.00	DA	0.00	FA
8	2000 Mercury Montaineer	6,000.00	0.00	DA	0.00	FA
9	16' Cattle Trailer Possible lien by First State Bank Gainesville	500.00	500.00	DA	0.00	FA
10	3 Bale Trailer Possible lien by First State Bank Gainesville	500.00	500.00	DA	0.00	FA
11	16' Utility trailer Possible lien by First State Bank Gainesville	500.00	500.00	DA	0.00	FA
12	1995 Bombardier Boat	100.00	100.00	DA	0.00	FA
13	1998 Four Winns Boat Boat in pieces	200.00	200.00	DA	0.00	FA
14	Air Compressor	150.00	0.00	DA	0.00	FA
15	Small Wire Welder	150.00	0.00	DA	0.00	FA
16	Yamaha Timberwolf ATV	500.00	250.00	DA	0.00	FA
17	Misc. Equipment Panel, bell rings, diesel tank, box blade and scoop. Possible lien by First State Bank Gainesville	1,075.00	200.00	DA	0.00	FA
18	Dogs (4)	10.00	0.00	DA	0.00	FA
19	Cats (2)	10.00	0.00	DA	0.00	FA
20	21 Cattle Lien by First State Bank Gainesville	15,750.00	0.00	DA	0.00	FA
21	Tax Refunds (u)	0.00	5,899.00		5,899.00	FA
Int	INTEREST (u)	Unknown	N/A		2.12	Unknown

# Form 1

## Individual Estate Property Record and Report

### Asset Cases

Case Number: 08-40436 BTR

Trustee: (631710) Mark A. Weisbart

Case Name: SMITH, HARVEY J.  
SMITH, JOHNNNA M.

Filed (f) or Converted (c): 02/27/08 (f)

§341(a) Meeting Date: 03/28/08

Period Ending: 04/29/09

Claims Bar Date: 06/30/08

1	2	3	4	5	6
Asset Description (Scheduled And Unscheduled (u) Property)	Petition/ Unscheduled Values	Estimated Net Value (Value Determined By Trustee, Less Liens, Exemptions, and Other Costs)	Property <u>Abandoned</u> OA=\$554(a) DA=\$554(c)	Sale/Funds Received by the Estate	Asset Fully Administered (FA)/ Gross Value of Remaining Assets
Ref. #					
22 Assets Totals (Excluding unknown values)	\$145,755.00	\$8,259.00		\$5,901.12	\$0.00

**Major Activities Affecting Case Closing:**

TRUSTEE IS REVIEWING CLAIMS FOR FINAL REPORT - April 13, 2009

Initial Projected Date Of Final Report (TFR): March 1, 2009

Current Projected Date Of Final Report (TFR): December 31, 2009

# Form 2

## Cash Receipts And Disbursements Record

Case Number: 08-40436 BTR  
Case Name: SMITH, HARVEY J.  
SMITH, JOHNNA M.  
Taxpayer ID #: 61-6365223  
Period Ending: 04/29/09

Trustee: Mark A. Weisbart (631710)  
Bank Name: JPMORGAN CHASE BANK, N.A.  
Account: 312-215457 -- Money Market Account  
Blanket Bond: \$300,000.00 (per case limit)  
Separate Bond: N/A

1 Trans. Date	2 {Ref #} / Check #	3 Paid To / Received From	4 Description of Transaction	T-Code	5 Receipts \$	6 Disbursements \$	7 Money Market Account Balance
10/10/08	{21}	Harvey Smith	Tax Refunds	1224-000	5,899.00		5,899.00
10/31/08	Int	JPMORGAN CHASE BANK, N.A.	Interest posting at 0.1200%	1270-000	0.32		5,899.32
11/28/08	Int	JPMORGAN CHASE BANK, N.A.	Interest posting at 0.1000%	1270-000	0.46		5,899.78
12/31/08	Int	JPMORGAN CHASE BANK, N.A.	Interest posting at 0.0500%	1270-000	0.41		5,900.19
01/30/09	Int	JPMORGAN CHASE BANK, N.A.	Interest posting at 0.0500%	1270-000	0.24		5,900.43
02/27/09	Int	JPMORGAN CHASE BANK, N.A.	Interest posting at 0.0500%	1270-000	0.22		5,900.65
03/31/09	Int	JPMORGAN CHASE BANK, N.A.	Interest posting at 0.0500%	1270-000	0.25		5,900.90
04/29/09	Int	JPMORGAN CHASE BANK, N.A.	Current Interest Rate is 0.0050%	1270-000	0.22		5,901.12
04/29/09		To Account #312215457	Final Report	9999-000		!	5,901.12
							0.00

<b>ACCOUNT TOTALS</b>	<b>5,901.12</b>	<b>5,901.12</b>	<b>\$0.00</b>
Less: Bank Transfers	0.00	5,901.12	
<b>Subtotal</b>	<b>5,901.12</b>	<b>0.00</b>	
Less: Payments to Debtors		0.00	
<b>NET Receipts / Disbursements</b>	<b>\$5,901.12</b>	<b>\$0.00</b>	

# Form 2

## Cash Receipts And Disbursements Record

Case Number: 08-40436 BTR  
Case Name: SMITH, HARVEY J.  
SMITH, JOHNNNA M.  
Taxpayer ID #: 61-6365223  
Period Ending: 04/29/09

Trustee: Mark A. Weisbart (631710)  
Bank Name: JPMORGAN CHASE BANK, N.A.  
Account: 312-215457 -- Checking Account  
Blanket Bond: \$300,000.00 (per case limit)  
Separate Bond: N/A

1	2	3	4		5	6	7
Trans. Date	{Ref #} / Check #	Paid To / Received From	Description of Transaction	T-Code	Receipts \$	Disbursements \$	Checking Account Balance
04/29/09		From Account #312215457	Final Report	9999-000	!	5,901.12	5,901.12

<b>ACCOUNT TOTALS</b>	<b>5,901.12</b>	<b>0.00</b>	<b>\$5,901.12</b>
Less: Bank Transfers	5,901.12	0.00	
<b>Subtotal</b>	<b>0.00</b>	<b>0.00</b>	
Less: Payments to Debtors		0.00	
<b>NET Receipts / Disbursements</b>	<b>\$0.00</b>	<b>\$0.00</b>	

	Net Receipts	Net Disbursements	Account Balances
<b>TOTAL - ALL ACCOUNTS</b>			
MMA # 312-215457 -	5,901.12	0.00	0.00
	<b>\$5,901.12</b>	<b>\$0.00</b>	<b>\$5,901.12</b>

## TRUSTEE'S PROPOSED DISTRIBUTION

Exhibit D

Case No.: 08-40436

Case Name: SMITH, HARVEY J.

Trustee Name: Mark A. Weisbart

Claims of secured creditors will be paid as follows:

<i>Claimant</i>	<i>Proposed Payment</i>
<u>First State Bank</u>	\$ <u>0.00</u>
<u>First State Bank</u>	\$ <u>0.00</u>
<u>First State Bank</u>	\$ <u>0.00</u>

Applications for chapter 7 fees and administrative expenses have been filed as follows:

<i>Reason/Applicant</i>	<i>Fees</i>	<i>Expenses</i>
<i>Trustee</i> <u>Mark A. Weisbart</u>	\$ <u>1,340.11</u>	\$ <u>367.10</u>
<i>Attorney for trustee</i> <u>Mark A. Weisbart</u>	\$ <u>965.00</u>	\$ <u>13.40</u>
<i>Appraiser</i> _____	\$ _____	\$ _____
<i>Auctioneer</i> _____	\$ _____	\$ _____
<i>Accountant</i> _____	\$ _____	\$ _____
<i>Special Attorney for trustee</i> _____	\$ _____	\$ _____
<i>Charges,</i> <u>U.S. Bankruptcy Court</u>	\$ _____	\$ _____
<i>Fees,</i> <u>United States Trustee</u>	\$ _____	\$ _____
<i>Other</i> _____	\$ _____	\$ _____

Applications for prior chapter fees and administrative expenses have been filed as follows:

<i>Reason/Applicant</i>	<i>Fees</i>	<i>Expenses</i>
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<i>Attorney for debtor</i>	_____	\$ _____	\$ _____
<i>Attorney for</i>	_____	\$ _____	\$ _____
<i>Accountant for</i>	_____	\$ _____	\$ _____
<i>Appraiser for</i>	_____	\$ _____	\$ _____
<i>Other</i>	_____	\$ _____	\$ _____

In addition to the expenses of administration listed above as may be allowed by the Court, priority claims totaling \$0.00 must be paid in advance of any dividend to general (unsecured) creditors.

Allowed priority claims are:

<i>Claim Number</i>	<i>Claimant</i>	<i>Allowed Amt. of Claim</i>	<i>Proposed Payment</i>
<u>1</u>	Cooke County Appraisal District	\$ <u>0.00</u>	\$ <u>0.00</u>

The actual distribution to wage claimants included above, if any, will be the proposed payment less applicable withholding taxes (which will be remitted to the appropriate taxing authorities).

Timely claims of general (unsecured) creditors totaling \$ 22,105.09 have been allowed and will be paid *pro rata* only after all allowed administrative and priority claims have been paid in full. The timely allowed general (unsecured) dividend is anticipated to be 14.5 percent.

Timely allowed general (unsecured) claims are as follows:

<i>Claim Number</i>	<i>Claimant</i>	<i>Allowed Amt. of Claim</i>	<i>Proposed Payment</i>
<u>2</u>	Internal Revenue Service	\$ <u>0.00</u>	\$ <u>0.00</u>
<u>3</u>	Higher Education Servicing Corp.	\$ <u>17,374.87</u>	\$ <u>2,527.43</u>
<u>4</u>	Compass Bank	\$ <u>0.00</u>	\$ <u>0.00</u>
<u>5</u>	Compass Bank	\$ <u>4,368.00</u>	\$ <u>635.39</u>
<u>6</u>	LTD Commodities/ABC Distributing	\$ <u>362.22</u>	\$ <u>52.69</u>



Late filed general (unsecured) claims are as follows:

<i>Claim Number</i>	<i>Claimant</i>	<i>Allowed Amt. of Claim</i>	<i>Proposed Payment</i>
N/A			

Subordinated unsecured claims for fines, penalties, and forfeitures are as follows:

<i>Claim Number</i>	<i>Claimant</i>	<i>Allowed Amt. of Claim</i>	<i>Proposed Payment</i>
N/A			

The amount of surplus returned to the debtor after payment of all claims and interest is \$ 0.00.